

<b>IN RE: APPEAL OF MARIA CASTRO          RUIZ RELATIVE TO A PROPERTY          LOCATED AT 950 WEISER STREET,          CITY OF READING, BERKS COUNTY,          PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING          : BOARD OF THE CITY OF READING,          : PENNSYLVANIA          :          : APPEAL NO. 2021-27          :          : VARIANCE, INTERPRETATION          : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 8th day of December 2021, a hearing having been held on November 17, 2021, upon the application of Maria Castro Ruiz, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Maria Castro Ruiz, an adult individual residing at 300 Lackawanna Street, Apt. 6-0, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 950 Weiser Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, City Reach Church – Reading, Inc., has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. Applicant was represented by Joan E. London, Esquire.
6. Applicant seeks a special exception and/or other related zoning relief to establish a day care center for up to forty (40) children within the first floor of an existing building located at the Subject Property. Zoning Ordinance Sections 600-804.B(4)(e) and 600-1202.D(2) and (3).

7. The Subject Property is located on a 20,900 +/- parcel of land and includes an existing 4,500 +/- square foot building currently utilized as a place of worship with education, social and community support services.
8. The existing place of worship use is permitted by special exception within the R-3 Zoning District and was previously approved by the Zoning Board in 2015 (Appeal #2015-06).
9. The proposed day care center will be a state licensed child day care center serving newborns to age 12 with both before and after school care.
10. Applicant states approximately thirty-four (34) children will be served per shift with faculty and assistants as required by State guidelines.
11. Applicant's hours of operation will be from 6:00 a.m. to 12:00 midnight on Monday through Friday.
12. Applicant states there is a community demand for licensed, reasonably priced childcare for parents working evening shifts and parents needing before and after school care.
13. Applicant states the proposed day care center contains the required fenced playground area and required parking and loading areas.
14. Applicant will install sufficient lighting, security doors and security cameras which will cover the perimeter of the day care facility.
15. Applicant will clearly delineate entry and exit lanes on the parking area.
16. The Zoning Board finds the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood and will improve the neighborhood in general.

### **DISCUSSION**

Applicant seeks a special exception and/or other related zoning relief to establish a day care center for up to forty (40) children within the first floor of an existing building located at the Subject Property. The Subject Property is located in the R-3 Residential Zoning District. Applicant's proposed use complies with the requirements of the Zoning Ordinance and will not be a detriment to the health safety and welfare of the neighborhood. Applicant's proposed use will enhance the neighborhood.

### **CONCLUSIONS OF LAW**

1. Applicant is Maria Castro Ruiz.
2. The Subject Property is located at 950 Weiser Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks a special exception and/or other related zoning relief to establish a day care center for up to forty (40) children within the first floor of an existing building located at the Subject Property.
5. The Zoning Board is permitted to grant applications for special exceptions and/or variances as set forth in the Zoning Ordinance.
6. In order to grant the special exception and/or variance, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
7. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.
8. After reviewing the Applicant's request in detail, the Zoning Board enters the following Decision:
  - a. Applicant is granted a special exception for a day care facility for up to forty (40) children subject to the hereinafter set forth conditions.
  - b. If necessary in the sole opinion of the Zoning Administrator, the outdoor playground area at the Subject Property shall be the only location for outdoor activity by the children.
  - c. Electronic security doors, gates and cameras shall be installed on the inside and outside of the Subject Property, including the outdoor play area.
  - d. A lighting plan in accordance with Section 600-912 of the Zoning Ordinance shall be submitted for approval by the Zoning Administrator.
  - e. The parking lot shall be clearly marked for the pickup and drop off of the children.

f. Applicant shall comply with all applicable State requirements for a licensed day care center with forty (40) children and a copy of the required PA Department of Human Services License shall be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy.

g. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.

h. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.

i. Signage at the Subject Property shall comply with Section 600-1703 of the Zoning Ordinance. If Applicant does not provide sign drawings and specifications, then a separate zoning permit shall be required prior to the installation of the signage.

j. Applicant shall comply with all pertinent provisions for a commercial daycare use as specified by the Zoning Ordinance.

k. A Minor Land Development Plan shall be prepared on behalf of the Applicant in order to address the provisions required by the Zoning Ordinance and the Subdivision and Land Development Ordinance. The Minor Land Development Plan should provide emphasis on neighborhood compatibility, architectural enhancements, vehicular and pedestrian site accessibility, curbs and sidewalks, driveways, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yards, solid waste disposal, exterior lighting, and other supplemental requirements that may apply to the proposed use.

l. Architectural plans, rendering and/or elevations shall be submitted with the Minor Land Development Plan in order to demonstrate compliance with building code requirements.

m. If required by the Department of Public Works, a Stormwater Management Plan should be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Berks County Conservation District and other agencies with jurisdiction.

n. All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements. If required by the Department of Public Works, sewer planning modules

shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Pennsylvania Department of Environmental Protection, and other agencies with jurisdiction.

o. All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the water supply improvements.

p. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.

q. Applicant must comply with all relevant building and occupancy codes as well as the plans and testimony submitted before the Zoning Board.

r. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

s. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

**The decision of this Board is by a vote of 4 to 0.**

**ZONING HEARING BOARD OF THE CITY OF  
READING**

**/s/ Philip Rabena**

**PHILIP RABENA, CHAIRMAN**

**/s/ Thomas Fox**

**THOMAS FOX**

**/s/ Jeffrey Gattone**

**JEFFREY GATTONE**

**/s/ William Harst**

**WILLIAM HARST**